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8 UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 SHIRLEY THOMPSON, an individual,
12 Plaintiff,

13 v.

14 LIFE CARE CENTERS OF AMERICA, INC.,
15 a Tennessee Corporation conducting business
16 within the State of Washington,
Defendant.

NO.

NOTICE OF REMOVAL

JURY DEMAND

17 TO: The United States District Court for the Western District of Washington at Seattle;

18 Defendant Life Care Centers of America, Inc., by and through counsel, hereby give notice
19 that they are removing this case to the United States District Court for the Western District of
20 Washington at Seattle on the grounds set forth below:

21 1. On or about November 6, 2015, defendant was served with the above captioned
22 lawsuit through their registered agent.

NOTICE OF REMOVAL - 1

Andrews • Skinner, P.S.
645 Elliott Ave. W., Ste. 350
Seattle, WA 98119
Tel: 206-223-9248 • Fax: 206-623-9050

2. On or about November 9, 2015, Plaintiff filed her Summons and Complaint in Skagit County Superior Court in the State of Washington.

3. Defendant Life Care Centers of America, Inc. is a Tennessee corporation registered to do business in Washington.

4. This Notice is being filed within 30 days of suit being filed in the Skagit County Superior Court and service of the Summons and Complaint upon defendants.

6. 28 U.S.C. § 1441(a) provides in part as follows:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.

7. According to her Complaint, Plaintiff is seeking damages for personal injuries allegedly sustained in Sedro Woolley, Skagit County, Washington. Based upon undersigned counsel's experience and the allegations of the Complaint, plaintiff is expected to seek special and general damages plus legal fees and costs in excess of \$75,000.

8. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1441(a) by virtue of 28 U.S.C. §1332(a)(1). Removal is proper to the United States District Court for the Western District of Washington at Seattle because that district and division embrace Skagit County.

10. True and correct copies of the pleadings filed in Skagit County Superior Court under Cause No. 15-2-01585-3 are attached hereto as follows:

Exhibit A. Summons filed November 9, 2015;

Exhibit B. Complaint for Damages filed November 9, 2015; and

NOTICE OF REMOVAL - 2

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Seattle, WA 98119
Tel: 206-223-9248 • Fax: 206-623-9050

1 Exhibit C. Notice of Appearance for Defendant Life Care Centers of America, Inc.; and
2 Exhibits A through C constitute the complete record of all proceedings in the state court.

3 WHEREFORE, Defendant Life Care Centers of America, Inc. gives notice that the court
4 action pending against them in Skagit County Superior Court has been removed from that court to
5 the United States District Court for the Western District of Washington at Seattle.

6 Dated this 4th day of December, 2015.

7 ANDREWS ▪ SKINNER, P.S.

8 s/Pamela M. Andrews

9 PAMELA M. ANDREWS, WSBA #14248
10 645 Elliott Ave. W., Suite 350, Seattle, WA 98119
11 Phone: (206)223-9248 | Fax: (206)623-9050
12 Email: pamela.andrews@andrews-skinner.com
13 Attorneys for Defendant Life Care Centers of
14 America, Inc.

15 ANDREWS ▪ SKINNER, P.S.

16 s/Jennifer Lauren

17 JENNIFER LAUREN, WSBA #37914
18 645 Elliott Ave. W., Suite 350, Seattle, WA 98119
19 Phone: (206)223-9248 | Fax: (206)623-9050
20 Email: jennifer.lauren@andrews-skinner.com
21 Attorneys for Defendant Life Care Centers of
22 America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record. A copy will also be sent via email to plaintiff's attorney listed below:

Attorneys for plaintiff:

Michael David Myers, WSBA #22486

Erika Holsman, WSBA #46992

Myers & Company, PLLC

1530 Eastlake Ave. East

Seattle, WA 98102

mmyers@myers-company.com

eholsman@myers-company.com

Via Email by Agreement

ANDREWS ▪ SKINNER, P.S.

s/Pamela M. Andrews

PAMELA M. ANDREWS, WSBA #14248

645 Elliott Ave. W., Suite 350, Seattle, WA 98119

Phone: (206)223-9248 | Fax: (206)623-9050

Email: pamela.andrews@andrews-skinner.com

Attorneys for Defendant Life Care Centers of
America, Inc.

EXHIBIT A

IN THE SKAGIT COUNTY SUPERIOR COURT
FOR THE STATE OF WASHINGTON

SHIRLEY THOMPSON, an individual,

Plaintiffs,

vs.

LIFE CARE CENTERS OF AMERICA, INC.,
a Tennessee Corporation conducting business
within the State of Washington,

Defendant.

No. 15-2-01585-3

SUMMONS (20 DAYS)

THE STATE OF WASHINGTON TO: LIFE CARE CENTERS OF AMERICA, INC., a

Tennessee Corporation conducting business within the State of Washington.

A lawsuit has been started against you in the above-entitled Court by Plaintiff Shirley Thompson. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within 20 days after the service of this summons if served upon you within the State of Washington, or 60 days if served upon you outside the State of Washington, including the day of service, or a default judgment may be entered against you without notice. A default judgment is one where

SUMMONS (20 DAYS) - 1

MYERS & COMPANY, P.L.L.C.
1530 EASTLAKE AVENUE EAST
SEATTLE, WASHINGTON 98102
TELEPHONE (206) 398-1188

1 plaintiff is entitled to what she asks for because you have not responded. If you serve a notice of
2 appearance on the undersigned attorney, you are entitled to notice before a default judgment may
3 be entered.

4 You may demand that the plaintiff file this lawsuit with the Court. If you do so, the
5 demand must be in writing and must be served upon the undersigned attorney for the plaintiff at
6 the address below stated. Within 14 days after you serve the demand, the plaintiff must file this
7 lawsuit with the Court, or the service on you of this summons and Complaint will be void.

8 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
9 that your written response, if any, may be served on time.

10 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
11 of Washington.

12 DATED this 3rd day of November, 2015.

13 MYERS & COMPANY, P.L.L.C.

14 Attorneys for Plaintiff

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16
17 By: 

18 Michael David Myers
19 WSBA No. 22486
20 Erika Holsman
21 WSBA No. 46992
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EXHIBIT B

IN THE SKAGIT COUNTY SUPERIOR COURT
FOR THE STATE OF WASHINGTON

SHIRLEY THOMPSON, an individual,

Plaintiffs,

vs.

LIFE CARE CENTERS OF AMERICA, INC.,
a Tennessee Corporation conducting business
within the State of Washington,

Defendant.

No. 15-2-01585-3

COMPLAINT FOR DAMAGES

COMES NOW the plaintiff herein, Shirley Thompson, by and through her undersigned attorneys of record, Myers & Company, P.L.L.C., and assert as follows:

I. PARTIES

1.1 Plaintiff resides in Sedro-Woolley, Skagit County, Washington.

1.2 Defendant Life Care Centers of America, Inc. ("Life Care Center") is a Tennessee Corporation doing business in Skagit County, Washington.

II. JURISDICTION AND VENUE

2.1 The acts and omissions giving rise to the cause of action occurred in Skagit County, Washington.

2.2 Jurisdiction and venue are properly lodged in the Skagit County Superior Court.

COMPLAINT FOR DAMAGES - 1

MYERS & COMPANY, P.L.L.C.
1530 EASTLAKE AVENUE EAST
SEATTLE, WASHINGTON 98102
TELEPHONE (206) 398-1188

III. FACTS

3.1 Ms. Thompson resides at the Life Care Center in Sedro-Woolley, Washington.

3.2 On February 5, 2015 a Life Care Center aide was changing and cleaning Ms. Thompson in bed.

3.3 The aide positioned Ms. Thompson on her left side.

3.4 The aide was small in size. Ms. Thompson weighed over 180 pounds.

3.5 There were no other aides or staff members in the room.

3.6 The aide lost her grip on Ms. Thompson. Ms. Thompson rolled off the bed and fell face down onto the floor (approximately four feet).

3.7 Life Care Center recognized Ms. Thompson was a high fall risk at the time of the fall.

3.8 Ms. Thompson's Life Care Center Care Plan called for "2 person assist for bed mobility/toileting/changing brief and repositioning."

3.9 As a result of the fall, Ms. Thompson sustained personal injuries and suffered special and general damages in an amount to be proven at trial.

IV. CAUSES OF ACTION

A. Negligence

4.1 Ms. Thompson realleges all prior allegations as though fully stated herein.

4.2 Ms. Thompson was a resident of the Life Care Center at the time of the fall.

4.3 Life Care Center and its staff knew or should have known Ms. Thompson was a high fall risk resident.

1 4.4 Life Care Center breached the duty of care owed to Ms. Thompson by putting her
2 into an unsafe position, by failing to take adequate fall prevention measures and by failing to
3 ensure Ms. Thompson was properly attended to.

4 4.5 As a direct and proximate result of Life Care Center's negligence, Ms. Thompson
5 has suffered damages in an amount to be determined at trial.

6 B. Neglect of Vulnerable Adult: RCW 74.34.200

7 4.6 Ms. Thompson realleges all prior allegations as though fully stated herein.

8 4.7 In addition to other remedies available under the law, a vulnerable adult who has
9 been subjected to neglect while residing in a facility shall have a cause of action for damages on
10 account of her injuries, pain and suffering, and loss of property.

11 4.8 Life Care Center neglected Ms. Thompson, a vulnerable adult, by failing to
12 provide goods and services to maintain her physical or mental health, by failing to avoid or
13 prevent physical or mental harm or pain to her; and by engaging in acts and omissions
14 demonstrating a serious disregard of consequences of such a magnitude as to constitute a clear
15 and present danger to her health, welfare, and safety.

16 4.9 As a proximate result of Life Care Center's neglect Ms. Thompson sustained
17 damages on account of her injuries, pain and suffering, and loss of property, and has incurred
18 costs and attorneys' fees.

19
20 **V. PRAYER FOR RELIEF**

21 WHEREFORE having fully set forth her claims against Life Care Center, Ms. Thompson
22 prays for relief as follows:

23 A. For monetary judgment against Life Care Center in an amount sufficient to
24 compensate her for the damages she sustained;
25

1 B. For prejudgment interest on all liquidated amounts as allowed by law;

2 C. For her reasonable costs and attorneys' fees incurred herein, pursuant to all
3 applicable statutory, common law, and equitable theories; and

4 D. For such other and further relief as the Court deems just and equitable.

5 DATED this 3rd day of November, 2015.

6 MYERS & COMPANY, P.L.L.C.

7 Attorneys for Plaintiff

8
9 By: 

10 Michael David Myers
11 WSBA No. 22486
12 Erika Holsman
13 WSBA No. 46992
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EXHIBIT C

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2015 NOV 23 AM 11:49

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SKAGIT COUNTY

SHIRLEY THOMPSON, an individual,

Plaintiff,

v.

LIFE CARE CENTERS OF AMERICA, INC.,
a Tennessee Corporation conducting business
within the State of Washington,

Defendant.

NO. 15-2-01585-3

NOTICE OF APPEARANCE

TO: Plaintiff Above Named

AND TO: MICHAEL DAVID MYERS and ERIKA HOLSMAN, Plaintiff's Attorneys

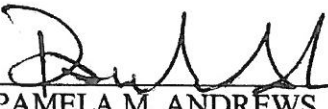
YOU AND EACH OF YOU will please take NOTICE that the defendant, LIFE CARE CENTERS OF AMERICA, INC., hereby appears in the above-entitled action and requests that all further papers and pleadings, except original process, be served upon the undersigned attorneys at the address below stated.

NOTICE OF APPEARANCE - 1

Andrews • Skinner, P.S.
645 Elliott Ave. W., Ste. 350
Seattle, WA 98119
Tel: 206-223-9248 • Fax: 206-623-9050

1 DATED this 9th day of November, 2015.

2 ANDREWS • SKINNER, P.S.

3 By 
4 PAMELA M. ANDREWS, WSBA #14248
5 JENNIFER LAUREN, WSBA # 37914
6 Attorney for Defendant
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NOTICE OF APPEARANCE - 2

Andrews • Skinner, P.S.
645 Elliott Ave. W., Ste. 350
Seattle, WA 98119
Tel: 206-223-9248 • Fax: 206-623-9050

I, JANE JOHNSON, hereby declare as follows:

2. On the 10 day of November, 2015, I caused a copy of the attached Notice of Appearance to be served upon the following in the manner noted:

Via Email and US Mail

DATED this 10 day of November, 2015 at Seattle, Washington.

Tel: 206-223-9248 • Fax: 206-623-9050